



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

ELP
Docket No. 4261-00
13 November 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 8 November 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 8 June 1987 for four years at age 19. The record reflects that you were dropped from OM class "A" school due to academic failure. However, you were advanced to SA (E-2) and served for eight months without incident. During the three month period from February to April 1988 you received two nonjudicial punishments (NJP) for three instances of failure to go or absence from your appointed place of duty and two instances of failure to obey a lawful order. As a result of the first NJP you were reduced in rate to SR (E-1).

You were again advanced to SA (E-2) on 16 February 1989. Thereafter, you served without any further disciplinary actions. Incident to your release from active duty, you received an adverse enlisted performance evaluation for the period from 1 February to 7 June 1991. You were assigned an adverse mark of 2.8 in the categories of reliability, military bearing, and personal behavior and were not recommended for reenlistment. On 7 June 1991 you were honorably released from active duty and

transferred to the Naval Reserve and assigned an RE-4 reenlistment code. You were honorably discharged upon completion of your obligated service on 15 May 1995.

Regulations provide that individuals separated at the expiration of their enlistment in pay grades E-1 or E-2 are not authorized to reenlist and assignment of an RE-4 reenlistment code is required. Since you were treated no differently than others separated under similar circumstances the Board could find no error or injustice in your assigned reenlistment code. The Board concluded that the reenlistment code was proper and no change is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director